

J. WESLEY ROBINSON
SENIOR CITY ATTORNEY

SALT LAKE CITY CORPORATION

LAW DEPARTMENT

U.S. DISTRICT COURT

RALPH BECKER
MAYOR
EDWIN P. RUTAN, II
CITY ATTORNEY

2009 JUN 29 P 1:43

DISTRICT COURT

June 12, 2009

BY: DEPUTY CLERK

Honorable Ted Stewart
United States District Court Judge
350 South Main, #150
Salt Lake City, Utah 84101

RE: Hughes v. Salt Lake City, et al., Case No. 2:07CV209 TS.

Dear Judge Stewart:

I represent Salt Lake City Corporation and the individual defendants in the above-entitled case currently pending before you. Grant Lawson, who joins in this letter, represents the plaintiff, Daymian Hughes. As you know, the parties are attempting to settle this matter without further litigation. We have had extensive discussions regarding who we should retain as a mediator. It is important to both sides that any potential mediator have extensive experience mediating § 1983 civil rights cases, have the ability and willingness to research the law as it applies to the issues in the case, be familiar with the facts of the case, and have the skills necessary to force both sides to fully appreciate the strengths and weaknesses of their respective positions.

Mr. Lawson and I are in agreement that our first choice as a mediator in this case is David Aemmer, the Chief Circuit Mediator for the Tenth Circuit Court of Appeals. He has all of the mediation skills we feel are critical to helping us successfully resolve this very difficult case. I personally was extremely impressed with his work in successfully mediating a recent appeal I handled before the Court (*Lund v. Curdie*, District Court case no. 2:07-CV-0226 BSJ, Tenth Circuit case no. 08-4193).

Mr. Aemmer is willing to mediate this case for us. However, because it is not currently pending before the Tenth Circuit, he has asked the parties to obtain your consent allowing him to mediate. We write to ask for your consent. If there is anything further you need us to do in this regard, please do not hesitate to ask.

Letter to Judge Stewart
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Thank you for your consideration. We look forward to receiving your response.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Wesley Robinson".

J. Wesley Robinson
Senior City Attorney
Attorney for defendants

A handwritten signature in black ink, appearing to read "Grant Lawson".

Grant Lawson
The Spence Law Firm
Attorney for plaintiff